

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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SERIAL NO.: 10/586755

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EXAMINER: Ippolito Rausch, N.

TITLE: SYSTEM FOR THE CONTROL, VERIFICATION AND RECORDING OF THE  
PERFORMANCE OF A RADIOISOTOPE GENERATOR'S OPERATIONS

Amendment A: REMARKS

Upon entry of the present amendments, previous Claims 1 - 22 have been canceled and new Claims 23 - 44 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of placing the claim language into a more proper U.S. format and for the purpose or more clearly distinguishing the present invention from the prior art.

In the Office Action, it was indicated that Claims 1-2, 4, 6-7, 11, 16 and 19-22 were rejected 35 U.S.C. § 103(a) as being unpatentable over the Whiting patent in view of the Egorov patent in further in view of the Stoll patent. Claims 5 and 21 were rejected 35 U.S.C. § 103(a) as being unpatentable over the Whiting patent in view of the Egorov patent in further in view of the Stoll patent and further in view of the Whittacre publication. Claim 1 and 18 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There were formality rejections to Claims 20 and 11. There were extensive formality rejections to the specification and drawings.<sup>7</sup>

Importantly, it was indicated that Claims 3, 8-10, 12-15 and 17 were allowable, if re-written in independent format.

As an overview to the present amendment, Applicant has extensively amended the specification, claims, and drawings.

The specification has been thoroughly amended to address all particular errors in the Office Action of September 9, 2009. A marked-up copy and a substitute copy of the specification are attached. Additionally, Applicant has corrected all headings for the updated format. In 2006, the U.S. format was different; however, the new headings for 2009 are now included in the present application. Applicant attorney is appreciative of the Examiner time and effort to understand the specification. No new matter has been added.

The drawings have also been thoroughly corrected to comply with U.S. formalities. No new matter has been added in the drawings. A complete set of all figures are re-presented in the new format with even line thickness, consistency and uniformity.

The claims have been extensively amended. Applicant's attorney notes that the initial filing in 2006 contained multiple sets of claims to account for the Section 371 requirements for translations. Applicant's attorney attempted to provide the most updated set of claims, incorporating all amendments from the international processing. This complete version was submitted with the substitute specification and marked "for US filing". Next, the Preliminary Amendment entered further amendment to make these claims compliant with U.S. standards. Thus, the claims of the Preliminary Amendment should be considered on the merits. The remarks of the Preliminary Amendment provided some guidance in this matter.

With regard to the present amendments to claims, Applicant has re-written claims 3, 8, 12 and 13 into independent format. These four claims were indicated as allowable, if re-written. The intervening dependent claims have also been presented. Please find the attached chart, showing the

corresponding new claim number to the subject matter of the old claims. It is important to note that the Applicant originally paid for four (4) independent claims and twenty-two (22) total claims. The present amendments maintain the same totals.

New Claim Number	Old Claim subject matter
23 (independent)	1 + 3
24	2
25	4
26	5
27	6
28	7 + 2
29	21 + 5
30	22
31 (independent)	1 + 8
32	9
33	10
34 (independent)	11 + 12
35	14
36	15
37	16
38	17
39	18
40	19
41	20
42 (independent)	11 + 13
43	19
44	20

With regard to the substantive rejections, Applicant respectfully contends that Claim 1 is no longer indefinite. Paragraph [0009] in the specification was amended to include "nuclear quality" as "level of radioactivity achieved or wanted" as suggested by the Examiner. This basic understanding of the term would be apparent to one skilled in the art, such as the Examiner, and the term is now particularly recited in the specification. As such, Claim 1 is no longer indefinite.

Applicant respectfully contends that Claim 18 has been amended to overcome the definiteness rejection. The metal tubing and needles are recited in the specification only three times. However, the metal tubing and needles are extensively shown in Figures 2-5, 7 and 10. The particular "IN" and "OUT" labels are not completely discussed; thus, the subject matter of Claim 18 has been revised in new Claim 39 to recite "an end" and "an opposite end" because metal tubing is not infinite, such that metal tubing inherently has ends. As such, the limitation of Claim 39 as now recited regarding metal tubing is now supported by the complete specification, drawings, and claims.

With regard to the claim objection to Claim 20, Applicant's attorney has provided the earlier explanation of the Preliminary Amendment claims. The final international version is amended for U.S. formalities, such as removing all multiple dependencies. For Claims 11, the term "or" has been properly recited in substituted Claims 34 and 42.

With regard to the obviousness rejections, Applicant respectfully reserves the right to pursue further amendments and arguments at a later date. Applicant is desirous of obtaining patent protection as soon as possible, such that the present claim amendments have been entered to place the claims into a condition for allowance. The allowable claims have been re-written in independent format for immediate allowance.

Based upon the foregoing analysis, Applicant contends that independent Claims 23, 31, 34, and 42 are now in proper condition for allowance. Additionally, those claims which are dependent upon these independent claims should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

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Date

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